

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Joshua Otey, being duly sworn, declare and state as follows:

Introduction and Agent Background

1. I make this affidavit in support of a Criminal Complaint charging Deyquan MARTIN, with violations of Title 18, United States Code, Sections 2252(a)(2) (receipt of child pornography) and 2252(a)(4) (possession of child pornography) between on or about May 9, 2022, and on or about September 22, 2022, in the District of Vermont.

2. I have served as a Homeland Security Investigations (HSI) Special Agent (SA) since March 2020. As such, I am an investigative or law enforcement officer of the United States within the meaning of 18 U.S.C. § 2510(7), and I am empowered by law to conduct investigations of and to make arrests for offenses enumerated in 18 U.S.C. § 2516. I am presently assigned to the HSI office in Burlington, Vermont, whose geographic jurisdiction encompasses the District of Vermont. I have received extensive training provided by the Federal Law Enforcement Training Center and HSI in the investigation and enforcement of laws of the United States. I have participated in numerous criminal investigations regarding violations of federal narcotics, human trafficking, firearms, child exploitation, and financial laws.

3. The statements contained in this affidavit are based in part on information provided by other members of local, state, and federal law enforcement, as well as my own investigation, to include personal observations, documents, and other investigative materials which I have reviewed, as well as my training and experience as a Special Agent with HSI. Because this affidavit is being submitted for the limited purpose of securing an arrest warrant, I have not included each and every fact known to me concerning this investigation. Unless specifically

indicated otherwise, all conversations and statements described in this affidavit are related in substance and in part only.

Probable Cause

4. On September 16, 2022, the Honorable Kevin J. Doyle, U.S. Magistrate Judge, issued a search warrant in the District of Vermont for the premises of 700 Riverside Avenue, Apartment H, Burlington, Vermont. A true and correct copy of the search warrant and the corresponding application and affidavit are attached hereto as Exhibit 1 and are hereby incorporated into this affidavit.

5. On September 21, 2022, Discord provided materials pursuant to another search warrant concerning the account username “nut#7363,” with vanity name “nut,” issued by the Honorable Kevin J. Doyle, U.S. Magistrate Judge on September 16, 2022.

6. On September 21, 2022, New Jersey State Police Detective Brian McGinn delivered an Apple iPad (7th generation) serial number GG7ZP2JFMF3P to HSI Burlington. Said iPad belongs to MV1 and was seized as evidence by Detective McGinn. Consent had been obtained for a search of said iPad. This item was turned over to the custody of HSI Burlington.

7. I reviewed a screen capture video created on the device by Detective McGinn during the course of the investigation. The video captures the conversation between MV1 and “nut” on the application Discord including media and photograph files shared during the conversation between May 9, 2022, and June 5, 2022. The conversation is described below in substance and in part only.

8. On May 9, 2022, “nut” starts the conversation stating “You’re cute btw not a lot of girls play adopt me xD maybe we can be friend or something after I’m turning 13 this month” to which MV1 replied “Ofc!, We can be friends!” The user “nut” tells MV1 “Ik its strange to ask

but-would you wanna send more pics of you that isn't just feet if you know what I mean (emoji smiling face with drop of sweat depicted here) I can give you admin for it so you can spawn in any pet you want forever or infinite money" to which MV1 replied "Ofc everyone loves my face so its normal here you go :)," and sends a photograph depicting MV1's face. The user "nut" responds "I was thinking maybe pics of your body...but you don't have to show face in them" to which MV1 replies "ok." The conversation progresses and the user "nut" says "Okay cool, Ill give you admin for a vagina pic and a boob pic, and you don't have to show face and you can delete them from the convo after, I shouldn't be doing this but I think you're really cute (smiling face emoji with a drop of sweat depicted) plus im allowed to give any friends I want ranks." The conversation progresses until MV1 sends a photograph depicting a female subject Detective McGinn identified to be MV1 standing in a bathroom with her shirt pulled up depicting her exposed breasts, the message includes a text from MV1 "Heres the boobs" to which "nut" replies Thank you." MV1 then sends another image depicting a female consistent with the above-noted photograph exposing their unclothed genitals to which "nut" replied "can you take the pussy pic sitting down on the toilet or something so I can see it spread open?" to which MV1 replies "Ok There" and sends a photograph depicting a female consistent with the above noted photograph exposing their vagina from a different angle in an apparent seated position followed by a message "I tried my best." The user "nut" replied "Thank you can you di it one more time but spread it open with your fingers?" to which MV1 replied "There you go" and included a photograph depicting a female consistent with the above noted photograph exposing their vagina in an apparent seated position and utilizing their pointer and middle fingers to spread open the labia to which "nut" replied "Okay thank you." The conversation on May 9, 2022, continued without any additional exchanges of media.

9. There is no visible conversation between “nut” and MV1 from the conclusion on May 9, 2022, until it is reinitiated by “nut” on May 30, 2022.

10. On May 30, 2022, “nut” says “Hey im sorry I disappeared my girlfriend broke up with me that day and I was having a panic attack and basically just blocked everyone and went to sleep.” The conversation continues about gaming platforms and MV1 receiving instructions from “nut” on joining a ROBLOX gaming group. The user “nut” ultimately asks MV1 “do you think I could have a few more pics first? And I can still give you admin rank? I’m horny and sad now because I’m single lol also are you on roblox right now” to which MV1 replies “yea” and “nut” replies “okay could you maybe take a video for me playing with your pussy?” to which MV1 replies “sorry but not today ok?” The conversation continues with “nut” expressing disappointment, which progresses to “nut” making threatening statements including, “They cant do anything I’m a hacker and official roblox admin I literally have your address and city and state and your ip I can shut off you wifi or find our who your parents are.” The conversation continues with “nut” making threats toward MV1 when MV1 asks “did you know im a minor?” to which “nut” replies “yes you told me, im a year older than you” to which MV1 replies “I’m only 12” to which “nut” replies I just turned 13 and that’s fine with me as long as youre within 2 years of me im just gonna boot you and your friends offline too if they keep harassing me.” The conversation continues and “nut” eventually says “ill give you 5 minutes to send the video I wanted with you using a hairbrush and squirting or im shutting your wifi off restart it or whatever.” MV1 ultimately sends a video file depicting a female with dark hair and a cartoon character shirt seated on a bathroom toilet manipulating her vagina with their fingers rubbing the outside and inserting them into their vagina followed by a text message “There.” The conversation continued with “nut” requesting additional nude photographs and videos from MV1 and additional photos and videos

were sent as requested. The conversation progresses and “nut” says “I gotta go anyways now. I’m sorry if I scared you or made you paranoid. I won’t be doing anything to you and I kinda hope we can stay friends and play more together, ill give you the stuff I promised in game when I’m back on. I do want more pictures and stuff from you but I’m not gonna sit here all day and make you do it so maybe another time ill ask for that video or something just don’t block me please.” MV1 told “nut” that she was uncomfortable to which “nut” replied “I know, honestly I thought about doing this to you from the minute I saw you on roblox, but you seemed to sweet and nice and I didn’t want to have to force pics out of you, but then you blocked me so I did that which still ist’t okay but your’re really attractive and I suck at controlling myself.”

11. On September 21, 2022, Discord provided materials pursuant to the above-referenced search warrant. An initial review of materials obtained revealed the text portions of the conversations between MV1 and “nut.” Photographs within the “nut” Discord user account depict a male subject consistent with Deyquan MARTIN as compared to a photograph obtained from the Vermont Department of Motor Vehicles. Additionally, text communication between the account holder and multiple users includes the use of the name “Deyquan” by the account holder, “nut.” Such user attribution information consistent with that of Deyquan MARTIN exists on the Discord account for time periods prior to and after the above-noted activity concerning MV1.

12. On September 22, 2022, at approximately 0617 hours, Commander Matthew Raymond of the Vermont Attorney General’s Office (HSI Task Force Officer) and I knocked on the residential door of 700 Riverside Avenue, Apartment H, Burlington Vermont. A male subject later identified to be G.T. answered the door and ultimately re-entered the residence to contact Deyquan MARTIN and let him know we wanted to speak with him. Several moments passed as Commander Raymond and I waited outside the residence. A subject who I recognized to be

Deyquan MARTIN exited the apartment and chose to speak with Commander Raymond and I outside the residence. Commander Raymond and I identified ourselves as law enforcement officers during the encounter, which was captured on audio recording.

13. During the initial conversation with Deyquan MARTIN outside of his residence MARTIN advised in sum and substance that he operates an online gaming platform which encompasses various platforms and communication programs including Discord. When asked about electronic devices in his possession and control within the residence he indicated that he used a MacBook pro computer, which was not located in the premises and MARTIN later ultimately admitted that he did not possess a MacBook pro computer. MARTIN was advised of the reported conduct concerning MV1 and that a federal search warrant had been issued for a search of the premises. MARTIN remained outside while a sweep of the residence was conducted. Ultimately two additional people were located within the residence and identified to be C.B. (MARTIN's girlfriend) and G.T. (MARTIN's roommate).

14. During a search of the residence a bedroom was identified in the upstairs portion of the residence to be the bedroom utilized by C.B. and MARTIN. A computer tower was observed within the bedroom of MARTIN and was placed at a computer style desk with monitors and peripherals connected in a functioning state. The computer was determined to be powered off.

15. MARTIN was recontacted and chose to speak with Commander Raymond and I following the discovery of the computer tower that was different than his description. MARTIN again chose to speak with us after being advised that he did not have to do so. MARTIN advised in sum and substance that the computer was not his and that he was in possession of it to fix it for a friend. MARTIN chose to speak with law enforcement on-scene numerous times during the execution of the warrant and ultimately admitted the above noted computer tower was his.

MARTIN advised in sum and substance that he had obtained media from people through online communications previously but had not done so recently. When asked if he had participated in that type of activity within 2022, he said that he had not.

16. Commander Raymond and I contacted C.B. who was advised of the warrant and chose to speak with us. C.B. advised in sum and substance that she resides at the premises with MARTIN and that she is approximately three months pregnant with his child. C.B. described the computer equipment including the above-noted computer tower located within their bedroom as MARTIN's computer.

17. Upon viewing the interior of the residence including the bedroom of MARTIN, I observed it to be consistent with images transmitted from the Discord account of "nut" and that were obtained pursuant to the above-referenced search warrant.

18. A forensic preview was conducted of devices within the residence including but not limited to the above-noted computer tower located within the bedroom of MARTIN. The forensic preview was completed by Detective Brandon Gallant of the Vermont Attorney General's Office. During the on-scene preview, the following items of evidentiary value was observed in sum and substance.

a. A file (hmm_footjob_part_2.mpg) located within the directory nox\com.bigchungus.ea depicting an apparent prepubescent female child lying on their back and utilizing her feet to manipulate an apparent adult males penis as she is lying on her back with her buttocks positioned near the buttocks of the nude child. It should be noted that this file is a known video of child sexual abuse material (CSAM).

b. A series of images were located within a directory "harvard dropout" depicting MV1 as recognized by both Detective Trooper McGinn and I on-scene. The images

depict MV1 both clothed and completely nude consistent with images observed on the iPad device of MV1 depicting the Discord communication with “nut.” In particular a photograph of MV1 depicts her seated on the floor completely nude with her hands holding her legs off the floor and her genitals and breasts exposed to the camera.

19. MARTIN was re-contacted and escorted to my vehicle in the parking lot. He was placed in the front seat of my vehicle and advised that he was under arrest based on evidence recovered during the investigation and preview. MARTIN was provided a *Miranda* warning and chose to speak with Commander Raymond and I after completing a written waiver. It should be noted that this conversation was captured via audio recording. MARTIN said the following in sum and substance. The above-noted tower computer was built by MARTIN with parts he had purchased from various means. Commander Raymond and I disclosed to MARTIN that law enforcement located media files depicting MV1 on MARTIN’s computer and that law enforcement was aware of the chat history of MARTIN’s Discord conversation with MV1. MARTIN ultimately admitted to utilizing an IP tracing search to send MV1’s location to her and that he had done so for the purpose of intimidation. At this point in the conversation, MARTIN said he did not want to talk more without a lawyer and the interview was concluded.

Conclusion

20. For the reasons outlined above, I submit there is probable cause to believe that between on or about May 9, 2022, and on or about September 22, 2022, in the District of Vermont, Deyquan MARTIN violated Title 18, United States Code, Sections 2252(a)(2) (receipt of child pornography) and 2252(a)(4) (possession of child pornography). I request the Court issue a Criminal Complaint charging him accordingly.

Dated at Burlington, in the District of Vermont, this 22nd day of September 2022.

Respectfully submitted,

Attested to by reliable electronic means
Joshua Otey, Special Agent
Homeland Security Investigations

Sworn to and subscribed before me this 22nd day of September 2022.

Kevin J. Doyle
KEVIN J. DOYLE, Magistrate Judge
United States District Court
District of Vermont